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JUN 27 2003

TC 1700

Attorney Docket No. 48699-CPA2 (71360)

#27 (18)  
7.3.3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: H. Sato, et al

EXAMINER: C. Chaney

U.S.S.N.: 09/155,635

GROUP: 1745

FILED: July 9, 1999

FOR: LITHIUM ION SECONDARY BATTERY

Mail Stop: AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir/Madam:

OK to Enter

cc  
7-11-03

RESPONSE TO OFFICE ACTION

Applicants are in receipt of the Office Action dated April 11, 2003 in connection with the above-referenced application. Applicants request reconsideration of the above-identified application in view of the following remarks and attached Declaration under 37 CFR 1.132 by Mr. Miura of Timcal Japan K.K.

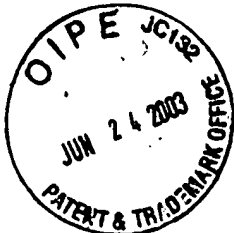
**REMARKS**

The Applicants appreciate the Examiner's thorough examination of the subject application. Applicants request reconsideration of the subject application based on the following remarks. Claims 9-12 are pending in the present application.

Claims 9, 11, and 12 were rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by Yamada et al. (U.S. Patent 6,040,092). Claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamada.

The rejections are addressed in combination. Such a combined response is proper because each rejection relies solely upon the Yamada reference. Each of the rejections is

Do Not Enter



96-26-03  
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**AMENDMENT TRANSMITTAL**

1. Transmitted herewith is a Request for Reconsideration for this application.

**STATUS**

2. Applicant is  
[ ] a small entity. A statement:  
[ ] is attached.  
[ ] was already filed.  
[X] other than a small entity.

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**CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. SECTION 1.8(a))**

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

- [X] deposited with the United States Postal Service with sufficient postage as "Express Mail Post Office To Addressee," Express Mailing No. EV343734948US in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**FACSIMILE**

- [ ] transmitted by facsimile to the Patent and Trademark Office, group 1700 at (703) 872-9310

Signature

Maggie C. Hamelin

Date: June 24, 2003

(type or print name of person certifying)

## EXTENSION OF TERM

**NOTE:** *"Extension of Time in Patent Cases (Supplement Amendments) -- If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.*

*If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).*

**NOTE:** *See 37 C.F.R. Section 1.645 for extensions of time in interference proceedings, and 37 C.F.R. Section 1.550(c) for extensions of time in reexamination proceedings.*

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. Section 1.136 apply.

*(complete (a) or (b), as applicable)*

- (a) ☐ Applicant petitions for an extension of time under 37 C.F.R. Section 1.136 (fees: 37 C.F.R. Section 1.17(a)(1)-(4)) for the total number of months checked below:

	Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
<input type="checkbox"/>	one month	\$ 110.00	\$ 55.00
<input type="checkbox"/>	two months	\$ 400.00	\$ 200.00
<input type="checkbox"/>	three months	\$ 920.00	\$ 460.00
<input type="checkbox"/>	four months	\$ 1,440.00	\$ 720.00

Fee: \$ 0.00

If an additional extension of time is required, please consider this a petition therefor.

*(check and complete the next item, if applicable)*

- ☐ An extension for \_\_\_\_\_ months has already been secured. The fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_

**OR**

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

## FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. Section 1.16(b)-(d)) has been calculated as shown below

(Col.1)	(Col. 2)	SMALL ENTITY			<b>OR</b>	OTHER THAN A SMALL ENTITY	
Claims Remaining After Amendment *	Highest No. Previously Paid For *	Present Extra *	Rate	Addit. Fee		Rate	Addit. Fee
			<b>\$9.00</b>	\$		<b>\$18.00</b>	\$*
Independent Claims		*	<b>\$42.00</b>	\$		<b>\$84.00</b>	\$*
First Presentation of Multiple Dependent Claim+			<b>\$140.00</b>	\$		<b>\$280.00</b>	\$*
						<b>Total Addit. Fee</b>	<b>\$*</b>

\* If the entry in Col. 1 is less than the entry in Col. 2, write "O" in Col. 3,

\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".

\*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

**WARNING:** *"After final rejection or action (Section 1.113) amendments may be made canceling claims or complying with any requirement of form which has been made." 37 C.F.R. Section 1.116(a) (emphasis added).*

*(complete (c) or (d), as applicable)*

(c) ☒ No additional fee for claims is required.

**OR**

(d) ☐ Total additional fee for claims required \$ \_\_\_\_\_.

### FEE PAYMENT

5. ☐ Attached is a check in the sum of \$0.00.

☐ Charge Account No. \_\_\_\_\_ the sum of \$ \_\_\_\_\_.

A duplicate of this transmittal is attached.

## FEE DEFICIENCY

**NOTE:** *If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).*

6. ☒ If any additional extension and/or fee is required, charge Account No. 04-1105.

## AND/OR

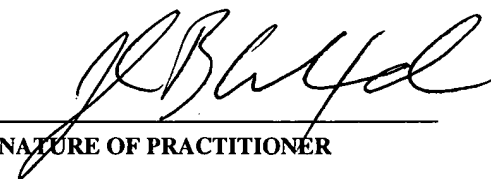
- ☒ If any additional fee for claims is required, charge Account No. 04-1105.

Date: June 24, 2003

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SIGNATURE OF PRACTITIONER

John B. Alexander, Ph.D.

(type or print name of practitioner)

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BOS2\_339779.1

